

THE HONORABLE JAMAL N. WHITEHEAD

**UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE**

IN RE VALVE ANTITRUST  
LITIGATION

No. 2:21-cv-00563-JNW

**JOINT STIPULATION REGARDING  
DISCOVERY**

This Filing Relates to:  
Consumer Plaintiffs

**NOTE ON MOTION CALENDAR:**  
July 23, 2025

Between July 2022 and March 2025, Defendant Valve Corporation (“Valve”) and Counsel for the Publisher Class completed fact discovery in the Publisher case. In total, the parties produced over 2.6 million documents; conducted depositions of 41 fact witnesses, including 23 current or former Valve employees; and issued approximately 94 subpoenas to third parties. On May 2, 2025, this Court appointed Cohen Milstein Sellers & Toll PLLC, attorneys for the *Hepler* Plaintiffs, as Interim Lead Class Counsel for the putative Consumer Class. *See* Dkt. # 441. On June 2, 2025, Interim Lead Class Counsel for the putative Consumer Class and Counsel for Valve filed a joint stipulation and proposed order regarding the scheduling of a Consolidated Amended Complaint for the Consumer Class, and Valve’s Answer or response otherwise thereto, *see* Dkt. # 457, which the Court granted, *see* Dkt. # 459. To streamline discovery as to the putative Consumer Class, the parties have met and conferred, and hereby stipulate and agree to the following:

1           **1. Discovery Completed as to the Publisher Class.** To avoid duplicative or  
2 cumulative discovery in this case, Interim Lead Class Counsel for the putative Consumer Class  
3 may receive or access discovery completed by the parties as to the Publisher Class by coordinating  
4 with Counsel for the Publisher Class and receiving those documents or access thereto directly.  
5 Once those documents have been transmitted or access to those documents has been granted, they  
6 will be deemed produced to the putative Consumer Class. The discovery that Interim Lead Class  
7 Counsel for the putative Consumer Class may receive or access includes: documents and data  
8 produced by the parties; documents produced or designated as CONFIDENTIAL or HIGHLY  
9 CONFIDENTIAL – ATTORNEY’S EYES ONLY by third parties (including deposition  
10 transcripts referencing third-party materials), as agreed by those third parties or as directed by the  
11 Court; and party deposition transcripts. To the extent further discovery is warranted, it shall not  
12 be duplicative of the discovery already transmitted pursuant to this stipulation.

13           **2. Discovery as to the Consumer Class.** Certain documents within productions  
14 made to the Consumer Class, data produced to the Consumer Class, and depositions taken by  
15 Counsel for Valve or for the putative Consumer Class may be responsive to Requests for  
16 Production served by the Publisher Class. Consistent with the requirements of Rule 26, Counsel  
17 for Valve and Counsel for the Publisher Class will meet and confer regarding a methodology to  
18 appropriately identify such materials on a rolling basis as discovery develops in the Consumer  
19 Case, and on how such materials shall be produced to the Publisher Class. This stipulation is  
20 without prejudice to additional discovery access either Valve or the Publisher Class may seek.

21           **3. Notice.** Within three (3) business days of receiving documents produced in  
22 litigation by any Party or third party from Counsel for the Publisher Class, Interim Lead Class  
23 Counsel for the putative Consumer Class shall notify Valve in writing of the Bates ranges of said  
24 documents. Within three (3) business days of receiving deposition transcripts from Counsel for the  
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1 Publisher Class, Interim Lead Class Counsel for the putative Consumer Class shall identify such  
2 deposition transcripts to Valve.

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4 **4. Third-Party Discovery.** Except for the notice provisions above, this Stipulation  
5 shall not affect Valve's or the putative Consumer Class's rights with regard to third party  
6 discovery, including the putative Consumer Class's right to seek previously produced discovery  
7 material from third parties in this litigation. This Stipulation does not affect any third party's rights  
8 with respect to this litigation.

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10 **5. Protective Order.** For clarity, the protective orders entered in this case, *see, e.g.*,  
11 Dkts. # 95, 135, 139, 154, 155, 159, shall bind all counsel of record, including Interim Lead Class  
12 Counsel for the putative Consumer Class and counsel to whom work is assigned by Interim Lead  
13 Class Counsel for the putative Consumer Class pursuant to this Court's Order, Dkt. # 441, at 11.  
14 To the extent discovery material is disclosed to Interim Lead Class Counsel for the putative  
15 Consumer Class pursuant to this Stipulation, the putative Consumer Class shall be deemed a  
16 "receiving party" for purposes of those orders. For the avoidance of doubt, exchange of  
17 documents, data, or communications containing material designated CONFIDENTIAL or  
18 HIGHLY CONFIDENTIAL – ATTORNEY'S EYES ONLY under those orders shall not be  
19 deemed a "disclosure" for purposes of those orders.

20  
21 **6. Sealed Record Access.** The Parties further stipulate that good cause exists for  
22 Interim Lead Class Counsel for the putative Consumer Class to access all unredacted versions of  
23 filings maintained under seal on the consolidated docket in *In re Valve Antitrust Litigation*,  
24 No. 2:21 cv-00563 (W.D. Wash.). The parties stipulate that Counsel for the Publisher Class and  
25 Valve may transmit sealed filings to Interim Lead Class Counsel for the putative Consumer Class,  
26 and that, on judicial approval of this stipulation, the Clerk of Court shall grant Interim Lead Class  
Counsel for the putative Consumer Class access to the docket entries set forth in the attached List

of Sealed Filings and all future sealed filings in the Publisher Class litigation, absent independent grounds for additional protection pursuant to the Court's Protective Order.

IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.

DATED this 23rd day of July, 2025.

/s/ Benjamin D. Brown

Brent W. Johnson (*pro hac vice*)  
 Benjamin D. Brown (*pro hac vice*)  
 Robert W. Cobbs (*pro hac vice*)  
 Nathaniel D. Regenold (*pro hac vice*)  
 COHEN MILSTEIN SELLERS & TOLL PLLC  
 1100 New York Ave. NW, Fifth Floor  
 Washington, DC 20005  
 (202) 408-4600  
 bjohnson@cohenmilstein.com  
 bbrown@cohenmilstein.com  
 rcobbs@cohenmilstein.com  
 nregenold@cohenmilstein.com

Christopher J. Bateman (*pro hac vice*)  
 Daniel Gifford (*pro hac vice*)  
 COHEN MILSTEIN SELLERS & TOLL PLLC  
 88 Pine St., 14th Floor  
 New York, NY 10005  
 Tel: (212) 838-7797  
 cbateman@cohenmilstein.com  
 dgifford@cohenmilstein.com

*Interim Lead Class Counsel for the Proposed Consumer Class*

/s/ Corrie Yackulic

Corrie Yackulic (WSBA No. 16063)  
 CORRIE YACKULIC LAW LLC  
 110 Prefontaine Place S., Suite 304  
 Seattle, WA 98104  
 Tel: (206) 787-1915  
 corrie@cjylaw.com

/s/ Rakesh Kilaru

Rakesh Kilaru (*pro hac vice*)  
 James Rosenthal (*pro hac vice*)  
 Max Warren (*pro hac vice*)  
 WILKINSON STEKLOFF LLP  
 2001 M Street NW, 10th Floor  
 Washington, DC 20036  
 Tel: (202) 847-4000  
 Fax: (202) 847-4005  
 rkilaru@wilkinsonstekloff.com  
 jrosenthal@wilkinsonstekloff.com  
 mwarren@wilkinsonstekloff.com

Keri Arnold (*pro hac vice*)  
 Ralia Polechronis (*pro hac vice*)  
 Caroline Li (*pro hac vice*)  
 WILKINSON STEKLOFF LLP  
 130 West 42nd Street, 24th Floor  
 New York, New York 10036  
 Tel: (212) 294-8910  
 Fax: (202) 847-4005  
 karnold@wilkinsonstekloff.com  
 rpolechronis@wilkinsonstekloff.com  
 cli@wilkinsonstekloff.com

Jessica Rizzo (*pro hac vice*)  
 BALLARD SPAHR  
 1735 Market Street, 51st Floor  
 Philadelphia, PA 19103  
 Tel: (215) 665-8500  
 Fax: (215) 864-8999  
 rizzoj@ballardspahr.com

*Liaison Counsel for the Proposed Consumer Class*

/s/ Steve W. Berman

Steve W. Berman (WSBA No. 12536)

/s/ Xiaoyi Fan

Xiaoyi Fan (WSBA No. 56703)

HAGENS BERMAN SOBOL SHAPIRO LLP

1301 Second Avenue, Suite 2000

Seattle, WA 98101

Tel: (206) 623-7292

steve@hbsslaw.com

kellyf@hbsslaw.com

Ben M. Harrington (*pro hac vice*)

HAGENS BERMAN SOBOL SHAPIRO LLP

715 Hearst Avenue, Suite 300

Berkeley, CA 94710

Tel: (510) 725-3034

benh@hbsslaw.com

*Additional Counsel for the Proposed Consumer Class*

/s/ Alicia Cobb

Alicia Cobb, WSBA #48685

QUINN EMANUEL URQUHART & SULLIVAN, LLP

1109 First Avenue, Suite 210

Seattle, Washington 98101

Phone (206) 905-7000

Fax (206) 905-7100

aliciacobb@quinnemanuel.com

Steig D. Olson (*pro hac vice*)

David LeRay (*pro hac vice*)

Nicolas Siebert (*pro hac vice*)

QUINN EMANUEL URQUHART & SULLIVAN,

LLP

295 5th Avenue

Nathan M Buchter (*pro hac vice*)

FOX ROTHSCHILD LLP

Two Commerce Square

2001 Market Street, Suite 1700

Philadelphia, PA 19103

Tel: (215) 299-3010

nbuchter@foxrothschild.com

Blake Marks-Dias, WSBA No. 28169

Eric A. Lindberg, WSBA No. 43596

CORR CRONIN LLP

1015 Second Avenue, Floor 10

Seattle, WA 98104

Tel: (206) 625-8600

Fax: (206) 625-0900

bmarksdias@corrchronin.com

elindberg@corrchronin.com

*Attorneys for Defendant Valve Corporation*

1 New York, New York 10016  
2 Phone (212) 849-7231  
3 Fax (212) 849-7100  
4 steigolson@quinnemanuel.com  
5 davidleray@quinnemanuel.com  
6 nicolassiebert@quinnemanuel.com

7 Adam Wolfson (*pro hac vice*)  
8 QUINN EMANUEL URQUHART & SULLIVAN,  
9 LLP  
10 865 S. Figueroa St., 10th Floor  
11 Los Angeles, California 90017  
12 Phone (213) 443-3285  
13 Fax (213) 443-3100  
14 adamwolfson@quinnemanuel.com

15 Ankur Kapoor (*pro hac vice*)  
16 A. Owen Glist (*pro hac vice*)  
17 CONSTANTINE CANNON LLP  
18 335 Madison Avenue, 9th Floor  
19 New York, NY 10017  
20 Phone (212) 350-2700  
21 Fax (212) 350-2701  
22 akapoor@constantinecannon.com  
23 oglist@constantinecannon.com

24 Douglas R Matthews (*pro hac vice*)  
25 VORYS SATER SEYMOUR & PEASE  
26 52 E Gay St, Po Box 1008  
Columbus, Ohio 43215  
Phone (614) 464-5460  
drmatthews@vorys.com

Kenneth R. O'Rourke (*pro hac vice*)  
Jordanne M Steiner (*pro hac vice*)  
WILSON SONSINI GOODRICH &  
ROSATI, P.C.  
1700 K Street, NW, Suite 500  
Washington, DC 20006  
Phone (202) 973-8800  
Fax (202) 973-8899

1 korourke@wsgr.com

2 jsteiner@wsgr.com

3 /s/ Tyre L. Tindall

4 Tyre L. Tindall, WSBA #56357

5 /s/ McKinney Wheeler

6 McKinney Wheeler, WSBA #60635

7 WILSON SONSINI GOODRICH & ROSATI P.C.

8 701 Fifth Avenue, Suite 5100

9 Seattle, WA 98104

10 Phone (206) 883-2500

11 Fax (866) 974-7329

12 ttindall@wsgr.com

13 mckinney.wheeler@wsgr.com

14 W. Joseph Bruckner (*pro hac vice*)

15 Joseph C. Bourne (*pro hac vice*)

16 Laura M Matson (*pro hac vice*)

17 Kyle J. Pozan (*pro hac vice*)

18 LOCKRIDGE GRINDAL NAUEN P.L.L.P.

19 100 Washington Avenue S, Suite 2200

20 Minneapolis, MN 55401

21 Phone: (612) 339-6900

22 Fax: (612) 339-0981

23 wjbruckner@locklaw.com

24 jcbourne@locklaw.com

25 lmmatson@locklaw.com

26 kjpozan@locklaw.com

Kristie A LaSalle (*pro hac vice*)

LOCKRIDGE GRINDAL NAUEN PLLP

265 Franklin Street, Ste 1702

Boston, Massachusetts 02110

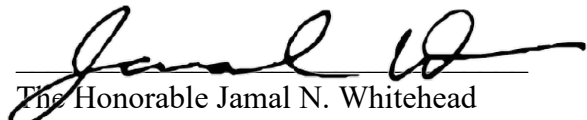
Phone (617) 535-3763

kalasalle@locklaw.com

*Co-Lead Class Counsel for the Publisher Class*

1 PURSUANT TO STIPULATION, IT IS SO ORDERED.

2 DATED this 24th day of July, 2025.

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5   
6 The Honorable Jamal N. Whitehead  
7 UNITED STATES DISTRICT JUDGE  
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